



**VASQUEZ BOULEVARD/INTERSTATE 70 SITE
WORKING GROUP MEETING
FINAL MEETING SUMMARY
April 20, 2000
Swansea Recreation Center**

In attendance:

Working Group

Michael Maes, Elyria neighborhood
Laurel Mattrey, Copeen
Anthony Thomas, Clayton neighborhood
Mel Muñoz, Copeen
Chuck Patterson, Globeville neighborhood
Celia VanDerLoop, City and County of Denver, Department of Environmental Health
Susan Muza, ATSDR
Bonnie Lavelle, EPA Region 8
Barbara O'Grady, Colorado Department of Public Health and Environment
Jane Mitchell, Colorado Department of Public Health and Environment
Robert Litle, Asarco
Linda Larson, Heller Ehrman (for Asarco)

Others

Ted Fellman, EPA Region 8
Michael Wenstrom, EPA Region 8
Pat Courtney, EPA Region 8
Pete Stevenson, EPA Region 8
Marc Herman, EPA – Project Manager for Argo and Omaha Grant Smelter sites
Gene Hook, City and County of Denver, Department of Environmental Health
Cindy Bosco, City and County of Denver, Department of Environmental Health
Monica Heitzman
Mark Rudolph, Colorado Department of Public Health and Environment
Julia Korndorfer, Colorado Department of Public Health and Environment
Joyce Tsuji, Exponent (for Asarco)
David Folkes, Enviro Group (for Asarco)
Chris Arend, Congresswoman Degette's office

Facilitators

Mary Margaret Golten, CDR Associates
Louise Smart, CDR Associates

Update on Joan Hooker

Mary Margaret Golten and Anthony Thomas reported that Joan Hooker is now home and is recovering. There were enough funds from the Working Group's contributions

to buy Joan a plant to have at her house (a blooming cactus), which would be taken to her after the meeting.

Referrals to Blood Lead Testing Program

David Mellard reported that the Blood Lead Work Group met on March 31 (handout) and had decided on criteria for referral of residents to the CDPHE blood lead program: (1) if the soil lead levels are over 400 ppm and if the residence has a child under a 6 (a family may also have the option to refer an older child for screening), or (2) if ATSDR is testing a household for urinary and hair arsenic and the house was built before 1950. Discussion of CDPHE's blood lead program and ATSDR's referral plans included:

- There should be consistency between EPA and ATSDR. EPA runs the IEUBK model on average concentrations, and there is a 1% chance of having elevated blood lead levels where there are 400 ppm soil lead levels. ATSDR and EPA agreed that ATSDR should target properties based on soil concentrations that are consistent with EPA's calculations for risk assessment, using 400 ppm average for the 3 composites in a given yard. The 95 ucl (upper confidence limit) will be applied to arsenic.
- If a family is on Medicaid, they will be tested under the Medicaid blood testing program. All the lead results in the state of Colorado are reported to the CDPHE Lead Poisoning Prevention program led by Terry Taylor. The data will be combined in the same database and can be identified by zip code.
- The state lead program includes testing children in older houses, because of the presence of lead paint. Whenever anyone's blood is tested, records will also be kept about the age and condition of the house for future correlation purposes.
- About 170 houses from Phase 3a have average lead concentrations over 400 ppm.
- Only one person has been tested through EPA's voucher program. Bonnie will provide David with the age of that person.

Use of Phase 3b Data to Identify Residents for Biological Sampling Program

David Mellard and Bonnie Lavelle reported on a dilemma. Phase 3b consists of resampling of Phase 1 and Phase 2 homes, using the Phase 3 protocol. ATSDR wants to include Phase 3b residents in the ATSDR arsenic testing program in June. However, EPA will not be notifying residents of the results of their soil sampling until August or the fall.

Agreement: EPA will give ATSDR an update on 3b data in late May. ATSDR and EPA will prepare a joint letter to 3b residents whom ATSDR wants to invite to participate in the biological sampling program. (They will use a different phrase than "biological testing.") They will draft it in May with the help of the Health Team, who

will decide the best way to approach the community, and the letter will be sent in June.

David distributed the Minutes from the 3/21/2000 Health Team meeting (handout). The major topic of the meeting was coordination of blood lead testing between ATSDR and CPDHE.

ATSDR Revised Timeline for the Health Assessment

David distributed the Timeline of Expected Public Health Assessment Activities for VBI-70 for 2000 (handout):

- He is now evaluating Phase 3a data and making changes to the Health Assessment.
- The Soil Pica Child Workshop will be held June 7 and 8 in Atlanta. ATSDR will pay for two community representatives to participate as observers. EPA headquarters have a Risk Assessment meeting at the same time, and they are trying to identify an appropriate person to participate. Since it is important for ATSDR and EPA to agree on the Pica approach, it is essential that an EPA representative with knowledge and authority participate in this workshop. It was suggested that the workshop be video-conferenced. There will be a conference phone line available, and it was suggested that, at the least, microphones be used so those who are connected by telephone can hear.
- In June, ATSDR will conduct hair and urinary arsenic testing. Susan Muza will coordinate with Pete Stevenson to identify those properties where residents should be tested.
- In June/July, ATSDR will provide a confidential release of the health assessment to the agencies, the Working Group, and the Health Team. This will not be a public release. There will be a one-month comment period.
- In August/September, ATSDR will release the health assessment to the public.
- November/December will be the final release.

Other ATSDR Activities

- Luli Rosales is conducting an Environmental Health Intervention project (handout), through which people are referred to an AOEC clinic (Association of Occupational and Environmental Clinics). Based on the results of a questionnaire, ATSDR selects individuals who have certain risk factors related to exposure and recommends medical follow-up. This is an evaluation, not a care program.

- ATSDR distributed a fact sheet on Biological Sampling for Hair and Urinary Arsenic (handout), prepared by David Hewitt.
- ATSDR and CDPHE are developing several letters to health care providers:
 - (1) A heads up letter to let providers know that ATSDR and CDPHE will be conducting some biological testing. This will be widely distributed in Denver.
 - (2) A letter that residents tested through ATSDR's exposure investigation can take to their provider explaining the testing and identifying whom to call if there are questions.
 - (3) A letter about CDPHE's lead testing program and the Medicaid program.

A concern being addressed by these letters: people have been taking their children to their doctor and asking for lead tests and then have been told there is no problem. The Health Team will review and comment on these letters. It was suggested that a map showing the VB/I-70 site be included with the letters. ATSDR will also place information in the Denver page of the Medical Journal to provide a heads-up on the site.

- Health Team Meetings:
 - (1) May 3 conference call – 9:00 to 11:00 Mountain time (11:00 to 1:00 Eastern time). David Hewitt will talk about biological sampling, to work out the specifics of how to approach people. (The backup date is May 4).
 - (2) May 16 or May 18 – 9AM to 4PM at the Cross-Community Coalition. The morning agenda will be ATSDR's toxicology evaluation and the letters to physicians. The afternoon will be EPA's Risk Assessment (there will be no regular Health Team agenda).

Joyce Tsuji showed the Working Group a book with pictures of arsenical skin lesions.

Pilot Scale Soil Characterization Study

Bonnie Lavelle distributed a handout on the Pilot Scale Soil Characterization Study. She explained that this study is a small pilot, designed to determine whether comparing the physical characteristics of soil and potential source material can identify the source of arsenic. This study includes a sample of PAX, soils from the Globe plant, smelter material from an area where arsenic trioxide had been stored, and soils from residences. Analysis is conducted on metals content, soil classifications, and pH levels. The study is looking for similarities and differences between the residential soils and potential sources of arsenic. Details of this study are in the project plan. The goal of this study is to see if these tests are useful.

Removal Action Process

Pete Stevenson explained the upcoming removal action process for 23 properties in Phase 3a. The decision document for these removals was signed April 18, and EPA is obligating funds and choosing a contractor who will start the removal work. Pete

reported that a lot of hand labor will be needed because the lots are smaller and tighter than the previous removals. He anticipates that two properties can be completed each with, using two crews.

EPA will:

- (1) Meet with each resident and put together a pre-excavation construction plan with the resident that both EPA and the resident will sign (EPA will address residents' individual concerns, such as shrubs, in the plan)
- (2) Sample crawl spaces
- (3) Sample attics, if the residents want this
- (4) Schedule the 23 properties and begin the work

EPA will remove shrubs, sheds, swing-sets, etc., excavate the soil, and replace the soil in a day or two. EPA will contract with fence/concrete contractors and landscapers, who will lay sod and replace shrubs (last time, EPA used local labor). The removal process will start in June and continue through August.

Discussion of the removal process included:

- Tilling is no longer an option. Soils will be removed.
- If high levels of arsenic are found in the crawl space, EPA will evaluate it. Anthony Thomas noted that this might show that the arsenic was present before the house was built.
- EPA would like recommendations for staging space (suggestion: 39th and Steel Street owned by Inner City Development).
- If there is a pre-school child in one of these homes, ATSDR might do biological sampling of that child. He will target these residents' health care providers.
- Anthony Thomas suggested that EPA give the addresses of the removal properties to the community Working Group members. They in turn can give these addresses to residents who have been reluctant to have their soil tested, to help alleviate their fears.
- The Family Star Montessori School is no longer in the removal group. There was only one sample that had high levels of concentrations, and this sample was by the sidewalk on an adjacent vacant lot.

Confidentiality of Study Results

Bonnie Lavelle distributed an excerpt from 40 CFR Ch 1 (7-1-99 Edition), including exemption categories from the Freedom of Information Act (section 2.118). Matt Cohn gave this to her as guidance on what information should be released to the general public on the Phase 3 work. If the information does not fit one of these exemptions, it must be released to the public. Based on the language of exemption #6, "Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy," EPA holds that this

data is private. EPA is only releasing Phase 3 data on individual properties to agencies that sign a confidentiality agreement with EPA (currently ATSDR and CDPHE). Members of the Working Group (the community and the City) expressed concern that the data would not be available to the public. Discussion included:

- There should be consistency between Phase 1 and 2 (the data was available to the public) and Phase 3 (Anthony Thomas).
- There is a need to apply a balancing test to determine which is the greater need: the release of the information or the privacy of the information. The EPA has the burden to establish that the release of the information would constitute an unwarranted invasion of privacy (Monica Heitzman).
- Phase 3 data is available in coded form, on a compact disk in each repository.
- EPA believes the information belongs to the property owners. EPA can report whether a property was sampled. People who want to know about a particular property, whether they are realtors or neighbors, should ask the property owner. When realtors have called EPA asking about a property, EPA refers them to the owner. In addition, Ted Fellman has contacted the property owner to get permission to provide the information to a realtor.

When the City gets a call from a realtor, they refer the realtor to the EPA. This is not satisfactory to the City.

- The City wants to have a spatial feel for the data (Celia VanDerLoop).
- Parents will want to know if there is a property that was not tested, or was tested, had elevated levels of concentrations, and then was not cleaned up. They would want to be able to make a decision about whether their children should play in that yard (Michael Maes and Anthony Thomas).
- EPA's decision has been in response to concerns in the community and from the City about stigma at the site.
- The stigma already exists at the site. When the decision was made to list the site as a Superfund site, the community discussed the concern about stigma, and they decided that (a) the stigma was already there and (b) fixing the problem through cleanup would help remove the stigma (Michael Maes). Actually, homes are selling quickly in the area.
- Since there are 4,500 homes in the site area, it is difficult to know whether everyone would approve the release of data on their property. The rights of some must be weighed against the rights and desires of others (Bonnie Lavelle). If it is a civil rights issue, what about the rights of individuals whose Phase 1 and Phase 2 data was released (Mel Muñoz), who were not covered under this confidentiality protection?
- If EPA releases the data, there is no going back, so a request to release the data is a serious decision.

Options the Working Group discussed included:

- Obscure the specific data and provide information on the spatial patterns of the data (the Risk Assessment report would include a spatial representation of the data).
- If a person wants data on a specific property, have that person call Ted Fellman, who in turn would call the owner and see if the data can be released.

Agreement: The City and the community (separately) will consider further whether they want the data released, and if so, will write a letter to EPA requesting the release of the data.

South Globeville

Barbara O'Grady distributed three handouts: (1) The CDPHE Globeville Update Fact Sheet (a draft of the information that will be included in the Globeville Gazette), (2) The CDPHE Citizen's Summary of Asarco Globe Site Settlements, February 2000, and (3) Asarco Globe Site Fact Sheet: Findings of the Medical Monitoring Program for 1994-1999. Barbara reported that there was a construction kick-off meeting, that remediation will begin, and that there is a medical monitoring program. Chuck Patterson is the technical advisor to the C.DeBaca class.

"South Globeville" is the area south of the Escamilla restoration area. Bob Little explained that it is located south of Globeville and includes the 4300, 4400, and 4500 blocks south and west of the interstate.

The contractor, Environmental Restorations Inc., from Missouri, will start remedial work on May 7. There are 273 residential properties that will be addressed over three years, on a block-by-block approach, moving west to east. Asarco is removing soils that exceed 28 ppm arsenic (optional removals up to 70 ppm arsenic), 73 ppm cadmium, 500 ppm lead). There are 196 properties that exceed the action levels for one or more of the metals. These will have 12" of soil removed and replaced. There are 77 properties that do not exceed any of the action levels. Asarco has agreed to replace the sod on these properties and 6" of the garden soil if the owner so wishes (or the property owner may receive a payment). The contractor can complete eight properties per week, for a total of 90 properties per summer for three summers. The actual terms of the settlement are between the class and Asarco. Barbara O'Grady explained that the settlement included a requirement that the cleanup be done according to the Consent Decree and with the oversight of the state. EPA is very interested in this work and would like to consider cost and productivity lessons learned from this project in the feasibility study for VB/I-70.

In response to a question about the 28 ppm arsenic level, Bob Little explained that there is a buffer between 28 ppm of arsenic and 70 ppm of arsenic (the actual Consent Decree action level), to provide extra conservancy. Cleanup is optional to the owner who has property in this buffer range.

Bob Litle provided clarification of the action taken at the Escamilla site. This was a class of properties that came together as a class and sued Asarco. At the same time, the State and EPA sued Asarco. Asarco settled with the state in the Consent Decree. Later, Asarco reached a settlement with the Escamilla class. The cleanup driver on the site was cadmium. No state-of-the-art risk assessment was conducted to set action levels for arsenic and lead.

Mark Rudolph described the medical monitoring program for North Globeville. As part of the Consent Decree, Asarco was required to provide medical monitoring to the citizens of North Globeville. There was over 60% participation (1,500 out of 2,000 eligible homes) in the medical monitoring program.

Mark described the medical monitoring in South Globeville. Since it is a fairly tight community, a grassroots approach worked well. Two community members went door to door. Free clinics, within walking distance, were made available on varied dates and times. Baseline testing was done in March and April (30% of the population so far). As remediation progresses, people will be tested again, within 48 hours after the removal of contaminated soil. Testing includes: urinary arsenic, urinary cadmium, blood cadmium, hair arsenic, blood lead, creatinine testing, and Beta II testing. The baseline testing is continuing. Jane Mitchell reported that, so far, the testing has not shown elevated cadmium levels.

Arsenic levels in soils in the South Globeville area are similar to that in the VB/I-70 area, namely a random or no pattern.

Jane Mitchell explained that if anyone has an elevated test result, the State will:

- (a) ask them to be retested,
- (b) have a physician talk with them, and
- (c) try to follow through with them and work with them to reduce the source of exposure.

Asarco conducted seven emergency remediations (where arsenic in the soil was over 450 ppm) in South Globeville, prior to the C. DeBaca class action settlement.

Bonnie Lavelle noted that in five years of testing in North Globeville, the State has not found elevated arsenic levels. Jane Mitchell reminded the group that North Globeville was not an arsenic-drive site; it was driven by cadmium. Dave Folkes stated that although there were a number of properties with high levels of arsenic, there were no findings of elevated levels of arsenic in residents.

Another area, "Southwest Globeville," falls within the VB/I-70 site boundaries.

Environmental Justice

Anthony Thomas reported that he had attended an environmental justice conference with Barry Hill (National Director of Environmental Justice at EPA). He expressed concern about the lack of protection for Native Americans. He explained that the Civil Rights Act is aimed at specific minority groups, while environmental justice relates to any poor people, regardless of race. Michael Wenstrom, who attended the same conference, said that environmental justice is an evolving area. There is no clear answer or definition of environmental justice. Barry Hill will be visiting Denver again on May 1 (6:45PM to 8:45PM) and coming to the Swansea Recreation Center for a listening session, to listen to the community and understand their concerns and to gather input for his national environmental justice policy. Michael said he would put together a list of the papers from the conference and a summary.

Michael Wenstrom distributed an article, "Issues Concerning Environmental Health and Risk Assessment," from a national environmental justice conference held in South Carolina in June 1999 (handout). The Risk Assessment panel made a number of recommendations. Michael reported that the VB/I70 Working Group is implementing many of these recommendations. Anthony noted that Region 8 is beginning to listen to people and solve people problems, not only the land problems.

Michael Maes and Mel Muñoz suggested that the national meeting for EPA risk assessors, which will be held in Aspen, would be an opportunity to present the community viewpoint and to use Vasquez as a case study. Michael Wenstrom also suggested that information on the Vasquez project might be useful for the National Environmental Justice Council meeting in May, with the caution that the outcome at Vasquez has not yet occurred. Mel stated that it would be good for Congress to set aside some funds to study communities like Vasquez, with 50 years of history and significant cumulative health effects.

Mary Margaret Golten told of a conversation she had with Barry Hill recently in which she described the VB/I-70 discussion on environmental justice and after which she sent him the relevant section of the Working Group meeting summary. Laurel Mattrey suggested sending Barry Hill a copy of the environmental justice letter the community wrote for the March meeting. Bonnie Lavelle told the group that what is important at the VB/I-70 site is the ability of the agencies, including EPA, ATSDR, the State, and the City—not just EPA—to learn to work with the resources that exist to address the environmental justice issues. Laurel requested that the environmental justice issues listed in the community's letter be addressed specifically, be posted on a flipchart at each meeting, and have an update at each Working Group meeting.

Community Issues

- The community received a TAG grant on April 3 and now must go through EPA's procurement process to hire a site coordinator and technical advisors. Michael Wenstrom and Bonnie Lavelle will try to help expedite this.

- On May 21, from 11-3 at Fuller Park, there will be a "Celebrate the Earth" Eco-event, coordinated by Copeen, bringing together environmental resources and the community. Both EPA and CDPHE will have a table at this event. It was suggested that this would be a good time to display before-and-after pictures from cleanup properties.
- Mel Muñoz told the group that she will be leaving Copeen at the end of May, to pursue new, but as of yet unknown, things in her life. Laurel Mattrey will be the lead person for Copeen on the Working Group. Correspondence should go through Laurel. Mel will be doing proposal writing part-time for Copeen in July and August.
- On May 20, from 9AM to 2PM, there will be a Globeville community celebration at 4400 Lincoln.

Update on Risk Assessment

Bonnie Lavelle reported that she hopes to release the Risk Assessment by mid-June, pending the finalization of the Pig Study. She is awaiting the analysis of the dosing material in the pig study. She distributed a Table of Contents for the draft-draft Risk Assessment (handout). Anthony Thomas expressed dissatisfaction with the Risk Assessment. The community believes the Risk Assessment is going too fast and cannot realistically be completed with all the testing still to be done, especially Phase 3b. Bonnie suggested, and the group agreed this be discussed at a meeting on the Risk Assessment, to be held in the afternoon of the next Health Team meeting (May 16 or 18) at the Cross-Community Coalition office.

Schedule for Working Group Meetings

The next Working Group meeting will be June 15, 8:30-3:00, with lunch provided. After that, Working Group meetings will be scheduled for the third Thursday of the month (July 20, August 17, etc.) Immediately following the July Working Group meeting, there will be an Open House for members of the Working Group to visit the sampling trailer.

LIST OF HANDOUTS FROM THIS MEETING

- ATSDR – VBI-70 Health Team Blood Lead Workshop Minutes – 3-31-00
- ATSDR – VBI-70 Health Team Minutes – 3/21/2000
- ATSDR – Timeline of Expected Public Health Assessment Activities for VBI-70 for 2000
- ATSDR – Draft 4-13 The Environmental Health Intervention Project at VBI-70
- ATSDR – Environmental Health Projects
- ATSDR – Information about arsenic testing for residents in the VBI-70 area
- EPA – Information Repositories for Vasquez Blvd. and I-70
- EPA – Pilot-Scale Soil Characterization Study Handout

- EPA – Excerpt from 40 CFR Chapter I, section 2.118 – on Freedom of Information Act exemption categories
- CDPHE Globeville Update Fact Sheet
- CDPHE Citizen's Summary, Asarco Globe Site Settlements, February 2000
- Asarco Globe Site Fact Sheet: Findings of the Medical Monitoring Program for 1994-1999
- EPA - Risk Assessment and Community Involvement article from the national Environmental Justice Conference, Hilton Head, SC 1999
- EPA - DRAFT Table of Contents for the Risk Assessment

UPCOMING MEETINGS

Environmental Justice Listening Session, with Barry Hill (Swansea Recreation Center) May 1 – 6:45 PM to 8:45 PM -

Health Team Meetings:

- May 3 conference call – 9:00 to 11:00 Mountain time (11:00 to 1:00 Eastern time). David Hewitt will talk about biological sampling, to work out the specifics of how to approach people. (The backup date is May 4).
- May 16 or May 18 – 9AM to 4PM at the Cross-Community Coalition. The morning agenda will be ATSDR's toxicology evaluation and the letters to physicians. The afternoon will be EPA's Risk Assessment (there will be no regular Health Team agenda).

Working Group Meetings

- June 15 – 8:30 AM to 3:00 PM at the Swansea Recreation Center
- July 20, August 17 (continuing on the 3rd Thursday of each month)

ACTION ITEMS FROM APRIL 20, 2000 WORKING GROUP MEETING

<i>Who will do it?</i>	<i>Task or requested action</i>	<i>By when?</i>
Bonnie Lavelle	Provide David with the age of the person who was tested through the EPA voucher program.	
EPA	Provide preliminary 3b data to ATSDR	late May
EPA and ATSDR	Write a joint letter to 3b residents who will be invited to participate in biological testing.	May
CDPHE and ATSDR	Review letters to health care providers with Health Team; provide copies to Working Group.	by next WG meeting
EPA	Check that each repository has a CD of coded data on Phase 3 testing; provide Anthony with a one-page sample of the data.	
Michael Wenstrom	Put together a list of the papers and a summary from the environmental justice conference.	
CDR	Create a list of issues from the community's environmental justice letter; post on flip chart; include update on issues in Working Group meetings	June 15 WG meeting